

| | | |
|--|---------------------------------------|--|
| Application Number  | Application/Control No. 10/807,572 | Applicant(s)/Patent under Reexamination MARVIT ET AL. |
| Document Code - DISQ | Internal Document – DO NOT MAIL | |

| | | |
|--------------------------------|---|---|
| TERMINAL DISCLAIMER | <input type="checkbox"/> APPROVED | <input checked="" type="checkbox"/> DISAPPROVED |
| Date Filed : December 19, 2007 | This patent is subject to a Terminal Disclaimer | |

Approved/Disapproved by:

Henry D. Jefferson

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

| | | | |
|--------------|--|--|----------|
| Date: | 29-Jan-08 | APPL. S. N: | 10807572 |
| To Examiner: | LIANG, REGINA | Art Unit | 2629 |
| From | Jefferson, Henry PARALEGAL SPCEIALIST | Return This Memo To: Case Drop-Off Location | JEF-2D68 |

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. **THIS IS AN INFORMAL, INTERNAL MEMO ONLY.** IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

- The T.D. is PROPER and has been recorded (see 14.23).
- The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- The TD fee of **\$0.00** has not been submitted nor is there any authorization in the application file for the use of a deposit account.
 - The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
 - The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
 - The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
 - The person who signed the T.D.:
 - is not an attorney "of record" (see 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see 14.28).
 - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
 - No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
 - The T.D. is not signed (see 14.26 & 14.26.03).
 - The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
 - The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
 - The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
 - Other:
 - Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date: 29-Jan-08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David L. Marvit, et al.
Serial No.: 10/807,572
Filed: March 23, 2004
Group No.: 2629
Confirmation No.: 3119
Examiner: Regina Liang
For: *Gesture Based User Interface Supporting Preexisting Symbols*

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

**Terminal Disclaimer Under 37 C.F.R. §1.321 (c) and
Signed Statement Under 37 C.F.R. §3.73 (b)**

I, Michio Nakamura, of Fujitsu Limited, represent that Fujitsu Limited is the assignee and the exclusive owner of the entire right, title and interest of, in and to application Serial No. 10/807,572, filed on March 23, 2004, for *Gesture Based User Interface Supporting Preexisting Symbols*, as indicated by the Assignment Records of the U.S. Patent and Trademark Office at Reel 015649, Frame 0982; and certify that to the best of assignee's knowledge and belief, title is in the assignee seeking to take action; and that I am empowered to act on behalf of assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Furthermore, I declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Fujitsu Limited hereby disclaims the terminal part of any patent which may grant from U.S. Patent Application Serial No. 10/807,589 filed March 23, 2004, also assigned to and owned by said Fujitsu Limited as indicated by the Assignment Records of the U.S. Patent and Trademark Office at Reel 015649, Frame 0956, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent which may grant from U.S. Patent Application Serial No. 10/807,589 filed March 23, 2004, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Petitioner, however, does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of the above-referenced U.S. Application No. 10/807,589, in the event that one or more of the following occurs: U.S. Application No. 10/807,589 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The \$130.00 fee required by 37 C.F.R. 1.20(d) is submitted herewith and believed to be correct. However, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

FUJITSU LIMITED

12/19/2007
Date


Michio Nakamura